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Thus, a carrier was held not liable for the loss of a quantity of tomatoes which spoiled because a shipment of packing cans was delayed. The carrier had been notified at the beginning of the canning season that all shipments must be rushed, as they were to be used for packing perishable goods. *Illinois, etc., R. Co. v. Hopkinsville Co.*, 132 Ky. 578, 116 S. W. 758. And where a shipper of household goods notified the carrier that such goods would be needed at once, and that the shipper would be unable to procure others, the carrier was nevertheless held not liable for physical discomfort and illness resulting from its refusal to deliver the shipment. *Alabama, etc., R. Co. v. McKenna* (Miss.), 61 South. 823.

Mere general knowledge of the importance of a shipment is insufficient. Information that a shipment of pipe is "very badly needed" is not enough. *Illinois, etc., R. Co. v. Johnson*, 116 Tenn. 624, 94 S. W. 600. The fact that the electric lights in the carrier's office were not burning was held not sufficient notice that a shaft consigned to the electric plant was needed for the generation of current. *Stone v. Adams Express Co.* (Ky.), 122 S. W. 200.

Sometimes the true ground of the decision in these cases is the distinction between cause and condition, or the doctrine of avoidable consequences. See *Williams v. R. Co.*, 56 Fla. 735, 48 South. 209, 131 Am. St. Rep. 169, 24 L. R. A. (N. S.) 134.

On the other hand, the mere fact that a heavy shaft was shipped by express instead of by freight was held sufficient notice that it was needed at once, and the consignee was allowed to recover for the idleness of his mill while the shaft was delayed. *Harper v. Express Co.*, 148 N. C. 87, 62 S. E. 145, 128 Am. St. Rep. 588, 30 L. R. A. (N. S.) 483. And where delivery of a threshing machine was delayed until after the threshing season, whereby the consignee lost a sale already contracted for, he was allowed to recover his expected profit. *Missouri Pacific R. Co. v. Peru-Van Zandt Co.*, 73 Kan. 295, 117 Am. St. Rep. 468. See also, *McConnell v. Express Co.* (Mich.), 146 N. W. 428; *Pecos, etc., R. Co. v. Maxwell* (Tex. Civ. App.), 156 S. W. 548.

DEAD BODIES—RIGHT OF ACTION FOR MENTAL ANGUISH RESULTING FROM MUTILATION.—Through the negligence of a common carrier a dead body was mutilated in transportation. The mother of the deceased brought suit to recover for mental anguish resulting from the occurrence, and joined her husband as a nominal party. The father was the next of kin to the deceased by the statute of distributions and hence upon him devolved duty of burying the child. *Held*, the mother cannot recover. *Floyd v. Atlantic Coast Line* (N. C.), 83 S. E. 12. See NOTES, p. 285.

EMINENT DOMAIN—COMPENSATION—BENEFIT—DAMAGES.—Under the power of eminent domain the defendant acquired a part of the plaintiff's land for a railroad right of way. The plaintiff sued for damages. *Held*, the benefits to the residue of the plaintiff's land arising from the construction of the railroad will not be deducted from the aggregate